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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,748	01/21/2004	Scott Papineau	1833A	2882
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/761,748	Applicant(s) PAPINEAU, SCOTT	
	Examiner Chuck O. Kendall	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the application filed 01/21/04.
2. Claims 1 – 22 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Emmerson et al. US 2002/0183045 A1.

Regarding claim 1, Emmerson anticipates a method for an application management system on a mobile information device to download non-Java content to the mobile information device, the method comprising:

downloading a generic content descriptor file for the non-Java content, wherein the generic content descriptor file includes meta-data about the non-Java content (0016, also see 0040, for header and identify); and

processing the generic content descriptor file in order to download the non-Java content to the mobile information device (See FIGURE. 6, and all associated text and 0040).

Regarding claim 2, a computer readable medium having stored therein instructions for causing a processor to execute the method of claim 1 (0022, see install).

Regarding claim 3, the method of claim 1, further comprising:
downloading the non-Java content to the mobile information device (0016); and
installing the non-Java content on the mobile information device (0022).

Regarding claim 4, the method of claim 3, wherein downloading the non-Java content to the mobile information device includes downloading the non-Java content from a content URL included in the generic content descriptor file (0023).

Regarding claim 5, the method of claim 3, further comprising posting a response message indicating a success of the download to an install-notify-URL included in the generic content descriptor file (0024, see direct service link and successful download).

Regarding claim 6, the method of claim 3, further comprising displaying options to launch the nonJava content, to exit and to continue browsing (0030).

Regarding claim 7, the method of claim 6, further comprising:

receiving a request to continue browsing (0022, see end user request); and
browsing to a URL received in response to post of the response message (0022-0023)

Regarding claim 8, the method of claim 1, wherein the meta-data includes mandatory attributes and optional attributes, and wherein the mandatory attributes include at least one of Content-Type, Content-Name, Content-Version, Content-Vendor, Content-ID, Content-URL, and Content-Size attributes (0023, see URL).

Regarding claim 9, the method of claim 1, wherein the meta-data includes mandatory attributes and optional attributes, and wherein the optional attributes include at least one of Content-Install-Notify, Content-Description, Content-Info-URL, Content-Icon-URL, Content-Folder, Content-StorefrontURL, and Content-Domain attributes (FIGURE 6, and all associated text, see game data header and specific data same as content description).

Regarding claim 10, the method of claim 1, further comprising:
attempting to download the non-Java content to the mobile information device(0016);
detecting a failure in downloading the non-Java content to the mobile information device (0034, see error checks); and
posting a response message indicating a failure of the download to an install-notify-URL included in the generic content descriptor file (0034).

Regarding claim 11, the method of claim 10, further comprising displaying on the mobile information device options to exit and to continue browsing (0022-0023, exit and browsing options are inherent features of a browser).

Regarding claim 12, Emmerson anticipates a method for downloading and managing content on a mobile information device, the method comprising:

downloading a generic content descriptor file to a mobile information device, wherein the generic content descriptor file includes meta-data about non-Java content (0016, also see 0040, for header and identify);

processing the generic content descriptor file (See FIGURE. 6, and all associated text and 0040);

downloading the non-Java content to the mobile information device (0016);

posting a response indicating that the non-Java content was successfully downloaded to the mobile information device (0024, see direct service link and successful download); and

installing the non-Java content on the mobile information device (0022).

Regarding claim 13, the computer readable version of claim 2, see rationale as previously disclosed above.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emmerson et al. US 2002/0183045 A1 in view of Gibbons et al. 2004/0034853.

Regarding claim 14, Emmerson discloses all the claimed limitations as applied in claim 12 above. Emmerson doesn't expressly disclose, wherein the non-Java content includes a MIME type, and wherein processing the generic content descriptor file includes determining whether the mobile information device includes an application registered to handle the MIME type. However, Gibbons in an analogous art and similar configuration of a mobile downloading system (see title) discloses a MIME capable transport able to communicate information over a HTTP 1.1, WSP, and Wireless Profiled HTTP (0051). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Emmerson and Gibbons because, it would enable the system to be more compatible with MIME capable protocols.

Regarding claim 15, Gibbons further discloses the method of claim 14, further comprising:

determining that the mobile information device does not include an application registered to handle the MIME type (Gibbons, 0070, shows being able to locate MIME type); and

offering a user of the mobile information device an option to download an application specified by a content-handler-URI in the generic content descriptor file, wherein the application specified by the content-handler-URI handles applications having the MIME type (Gibbons, 0070).

Regarding claim 16, Gibbons further discloses the method of claim 14, further comprising:

sending a request to a server to launch a browser, wherein the request includes a URL, and wherein a query portion of the URL is used to search for handlers of the MIME type of the non-Java application (Gibbons, 0070-0071);

receiving from the browser a list of at least one application that handles the MIME type of the non-Java application (0063 – 0064); and

offering a user of the mobile information device an option to download an application specified in the list (0063 – 0064).

Regarding claim 17, the method of claim 12, wherein processing the generic content descriptor file includes:

determining whether the mobile information device includes an application registered to handle the non-Java content (Emmerson, 0016 discloses downloading

content doesn't specify it to be java and hence would be construed as handling non-Java content); and

if the mobile information device does not include an application registered to handle the non-Java content, the providing a user of the mobile information device an option to download an application is specified by a content-handler-URI in the generic content descriptor file to handle the non-Java content (Emmerson, 0023).

Regarding claim 18, the method of claim 12, wherein the generic content descriptor file includes a content-version attribute that defines a version of the non-Java content, and wherein processing the generic content descriptor file includes determining whether the mobile information device already includes a version of the non-Java content (Emmerson, 0016, also see 0040, for header and identify).

Regarding claim 19, Emmerson discloses all the claimed limitations as applied in claim 12 above. Emmerson doesn't expressly disclose wherein processing the generic content descriptor file includes determining whether the mobile information device includes enough available non-volatile memory to store the non-Java content. However Gibbon in an analogous art and similar configuration discloses a capability matching functionality, which includes the minimum amount of memory (Gibbons, (0120). Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Emmerson and Gibbons because, it would enable loading the content based on the memory requirements.

Regarding claim 20, the method of claim 12, wherein downloading the non-Java content includes downloading the non-Java content from a content-URL specified in the generic content descriptor file (Emmerson, 0023).

Regarding claim 21, the method of claim 12, wherein posting a response indicating that the non-Java content was successfully downloaded to the mobile information device includes positing the response to an install-notify-URL specified in the generic content descriptor file (Emmerson, 0024, see direct service link and successful download).

Regarding claim 22, the method of claim 12, further comprising presenting a user of the mobile information device with at least one post-install option (Emmerson, 0022, see install, shows downloading and validating before performing install).

Correspondence information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

OK 2/5/07